

Remarks/Arguments

Claims 11-25 are pending in the application. Claims 11-23 are rejected. Claims 24 and 25 are allowed. Claims 1-10 were previously canceled. Claims 11, 15, and 16 are currently amended.

Applicant amends claims 11, 15, and 16 to clarify the subject matter therein claimed. No new matter is added. Support for the amendment of claims 11, 15, and 16 may be found, for example, in the specification in paragraphs [0018]-[0025] and in Figures 1-5 of the pending application.

Applicant thanks Examiner Kastler for the interview of April 24, 2009, wherein possible amendments of claim 11 were discussed. The Examiner agreed that the herewith submitted amendments of claim 11 would distinguish over JP'013, but additional searching would be needed. In view of the discussion, Applicant is submitting an amended claim set.

Applicant notes that the claim set, as amended, does not add new claims, and as such no fees are due.

Applicant further notes that this Amendment and Response is being filed within the three month shortened statutory period and, as such, no extension of time is required. However, if any such extension of time is determined to be required, this shall serve as a request for any such required extension, pursuant to 37 CFR 1.136.

In view of the claims as set forth above and the remarks below, Applicant respectfully submits that all claims patentably distinguish over the cited references and are in condition for allowance.

Claim Rejections – 35 USC § 102: The Action rejects claims 11-23 under 35 USC 102(b) as anticipated by Japanese Publication Number 2002 144013 (JP '013). Applicant respectfully traverses the rejection.

As previously argued, Applicant submits that there is no prima facie case of anticipation because JP'013 fails to disclose every limitation as claimed. In particular, JP'013 does not disclose that "the metering unit is designed as a crucible insert having a lid cover flange removably attachable to a cover of the crucible, and wherein the lid cover flange can be placed upon the crucible cover and lifts off the crucible cover while the crucible cover remains in place on the crucible", as currently recited in amended claim 11. In JP '013, the main cover part 41 constitutes the crucible cover with a discharge tube 3 extending through an opening. In JP'013, however, there is no arrangement which has a lid cover flange removably attachable to the main cover part 41 and which includes both a pump pipe and a discharge pipe.

Claims 12-23 all depend, either directly or indirectly, on independent claim 11 and are distinguishable over JP'013 for at least the same reasons.

In view of the foregoing remarks, Applicant requests that the Action's rejections be reconsidered and withdrawn.

Allowable Subject Matter: Claims 24 and 25 were previously amended to independent form and are currently allowed.

Nothing herein should be deemed as a disclaimer or surrender of any rights, an acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein or otherwise in the prosecution of this application. Applicant reserves all rights and subject matter with respect to claims being or to be pursued in this or a related application.

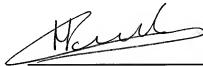
CONCLUSION

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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